

Title 22—MISSOURI CONSOLIDATED HEALTH CARE PLAN
Division 10—Health Care Plan
Chapter 1—State Membership

PROPOSED RULE

22 CSR 10-1.030 Board of Trustees Election Process

PURPOSE: This rule establishes the policy of the board of trustees in regard to election of board members by the subscribers of the Missouri Consolidated Health Care Plan.

(1) The subscribers of the Missouri Consolidated Health Care Plan shall elect two (2) active employee members and one (1) retiree member to the board of trustees. Each member will serve a term of four (4) years from the first day of January following their election.

(2) Board Member Candidate Eligibility.

(A) Candidates must be a subscriber of the plan.

(B) A candidate who is running for a position on the board as an active employee member must be employed on the date the nominating petitions are due. Failure to be employed at that time will result in an automatic disqualification.

(C) A candidate who is running for a position on the board as a retiree member must be retired on the date that the nominating petitions are due. Failure to be retired at that time will result in an automatic disqualification.

(D) The following members are not eligible candidates:

1. Current employees of the plan.
2. Immediate relatives of persons employed by the plan. Immediate relatives include:
 - A. Employee's spouse;
 - B. Children of employee or spouse;
 - C. Parents of employee or spouse;
 - D. Brothers and sisters of employee, including brothers-in-law and sisters-in-law;
 - E. Grandchildren (including great-grandchildren) of employee or spouse
 - F. Grandparents (including great-grandparents) of employee or spouse; and
 - G. Members of the employee's household.

(E) It will be automatic grounds for disqualification if it is determined that a candidate knowingly submitted false information in the election process;

(3) Nomination Process.

(A) Candidates will be nominated by means of a nominating petition.

(B) The plan will notify subscribers of an opening for a board position.

(C) Candidates may only run for one position on the board.

(D) Candidates must download from MCHCP's website, complete, and submit in a manner indicated by the plan, a valid nominating petition by a date determined by the plan. Valid nominating petitions include:

1. Demographic Information, including but not limited to name, department, and resume;
2. Information to solicit the candidate's interest in health care issues;
3. Information to solicit any disqualifying information of the candidate.
4. A summary of information regarding the candidate's background and qualifications, for example: years of state service, department experience, and reasons for wanting to be on the board. The summary shall not to exceed three hundred (300) words and will be used on the voting website. Formatting of this information for the board election ballot materials will be under the direction of the plan; and

5. Any additional information as determined by the plan which is important to the nominating and voting process.

(E) Board member candidates may not use state resources (equipment, personnel, and supplies) for campaign purposes. Board member candidates may not use interagency mail or send email from a computer provided by the state to distribute campaign materials. State agencies, at their discretion, may allow the posting of campaign materials provided by the candidates on an equal time basis.

(F) Board candidates may not use the plan's resources for campaign purposes. This includes receiving demographic information of the plan's members, including but not limited to, member names, phone numbers, addresses, and email addresses.

(G) The plan will establish procedures to ensure candidate information is true and accurate. These procedures will include, but may not be limited to, validation of the information on the candidate petition forms.

(H) If only one (1) valid nominating petition is filed for any vacancy, the person nominated will be declared elected by the board at the next regular board meeting.

(I) If at least one (1) valid nominating petition is not filed for each vacancy to be filled, this election process shall be repeated for that vacancy until a valid nominating petition is received.

(4) Election Ballots and Results

(A) The plan will notify members of an election voting period in advance of the start of the voting period in the year of the board election.

(B) The voting period will be at least fourteen (14) calendar days in length. The beginning date of the voting period will be set by MCHCP's Executive Director.

(C) Voters must be a subscriber of the plan as of the last day of the month preceding the month in which the election is to be held.

(D) Names of candidates will be listed on the website or in a supplemental publication in random order at the discretion of the plan. In no event will names of candidates be placed in alphabetical order on the election ballot or in a supplemental publication other than by happenstance.

(E) All board election voting will be completed through the eligible subscriber's myMCHCP account. Access to computers for voting use will be available at MCHCP during normal business hours. Ballots not submitted through a myMCHCP account are invalid. An eligible subscriber may only vote once per election.

(F) Voting will cease at midnight Missouri time on the last day of the board election.

(G) Ballots for an active employee member election will allow selection of one (1) or two (2) active employee member candidates to become board members depending on the number of positions up for election. If the election is for two (2) board positions, the two (2) candidates receiving the highest number of votes will be declared elected. If the election is for one (1) board position, the candidate receiving the highest number of votes will be declared elected. If a tie occurs between two (2) or more candidates receiving an identical number of votes, the winner shall be determined by a toss of a coin.

(H) Ballots for retiree members will allow selection for one (1) retiree member candidate to become a board member. The one (1) candidate receiving the highest number of votes will be declared elected. If a tie occurs between two (2) or more candidates receiving an identical number of votes, the winner shall be determined by a toss of a coin.

(I) The plan will administer any online balloting procedures, record all votes, and declare election results.

(J) The election results will be posted within forty-eight (48) hours of the official certification of the election by the plan. Voting records will be maintained by the plan for a period of one year. After one year from the date of the certification of the results, voting information will be destroyed.

(K) Newly elected board members will begin their terms upon certification of the election.

(5) Qualifications for Board Members.

(A) The winning candidate(s) shall file a personal financial disclosure per RSMo 103.008 within thirty (30) days of their election to the board.

(B) A board member representing active employee members must be employed on January 1 of each year following the election. Failure to be employed at that time will result in their resignation from the board.

(C) A board member representing active employee members who terminates employment with a covered agency for more than thirty (30) consecutive days while serving on the board will be considered to have resigned from the board. The election process will begin to fill the vacant seat within ninety (90) days of the resignation.

(D) A candidate who is running for a position on the board as a retiree member must be retired on January 1 of each year following the election. Failure to be retired at that time will result in an automatic disqualification.

(E) A retiree board member who becomes employed in a MCHCP benefit eligible position while serving on the board will be considered to have resigned from the board. The election process will begin to fill the vacant seat within ninety (90) days of the resignation.

(6) Vacancies. If a vacancy occurs at any time in the three elected seats, election procedures will begin to take place within ninety (90) days of the vacancy.

AUTHORITY: section 103.059, RSMo 2000. Original rule filed Oct. 30, 2018.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Consolidated Health Care Plan, Judith Muck, PO Box 104355, Jefferson City, MO 65110. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*